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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,529	07/07/1999	ALAN SLATER	CITI0109-US	5359
27510	7590	11/03/2005	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			FELTEN, DANIEL S	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,529

Applicant(s)

SLATER ET AL.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt of the Appeal Brief filed August 15, 2005 is acknowledged. Upon further consideration of applicant's arguments, rejections applicant's claims in view of Moreau are withdrawn. Thus arguments with regard to Moreau are considered moot. Prosecution is hereby REOPENED. Applicant is respectfully requested to consider the claims in view of the newly applied art below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al (US 5,677,955) and Gustin et al (US 5,897,625) in view of each other.

Doggett discloses transmitting an image of the scanned deposited check or electronic validation of deposited cash from the first location to a second location (see Doggett, col. 2, lines 51-59); *as in at least claims 1, 24, 40 and 45*

--processing a transaction at the second location with the scanned image of the deposited check or electronic validation of deposited cash, whereby pickup of said at least one of the check and cash received at the first location can be delayed or eliminated, resulting at least in cost

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savings or improvements in payment settlement times by processing the transaction with the scanned image at the second location (see Doggett, col. 3, ll. 19-30); *as in at least claims 1, 24, 40 and 45*

Gustin discloses receiving at a first location at least one of a check and cash having a front face and a back face (see Gustin, Fig. 13, col. 12, ll. 5-53; and col. 15, ll. 45 to col. 16, ll. 28); *as in claims 1, 24, 40 and 45,*

--scanning the front face and the back face of said at least one of the check and cash to create a deposited check or an electronic validation of deposited cash (see Gustin, figs. 13 & 14, col. 12, ll. 5 to col. 13, ll. 43; and col. 16, ll. 20-34); *as in claims 1, 24, 40 and 45,*

In view of Gustin's teaching, it would have been obvious for an artisan at the time the invention was made to employ and/or integrate into Doggett a scanner with the ability to scan both sides of a check because an artisan at the time of the invention would recognize the fact that checks (paper checks or cash) have writing and information on both sides of the financial instrument, and thus to scan both sides of the financial instrument would allow the system to store and/or transmit an accurate image. Thus to provide such a modification would be an obvious expedient well within the ordinary skill in the art.

On the other hand, Since Gustin provides a banking network via modem to perform transactions (see Gustin, col. 9, ll. 9-50). it would have been obvious to an artisan at the time the invention was made to provide alternative networks (such as the Internet) as disclosed in Doggett as an obvious extension of Gustin to perform various transactions between parties (see

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Doggett, fig. 3, col. 7, ll. 39 to col. 8, ll. 32). Thus such a modification would have been well within the ordinary skill in the art as well as an obvious expedient.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF
October 28, 2005

Daniel S Felten
Examiner
Art Unit 3624



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600